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U. S. DEPARTMENT OF AGRICULTURE.

OFFICE OF ROAD INQUIRY.

NOTES

ON THE

EMPLOYMENT OF CONVICTS

IN CONNECTION WITH

ROAD BUILDING.

COMPILED BY

ROY STONE,

DIRECTOR.



WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1898.



BULLETIN No. 16. (REVISED.)

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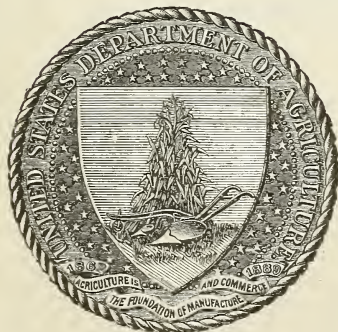
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LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF ROAD INQUIRY,
Washington, D. C., March 15, 1898.

SIR: Bulletin No. 16 of this office, herewith, containing a compilation of various laws, treatises, and notes on the subject of employment of convict labor in connection with highway improvement, was originally issued in 1895. There still being considerable inquiry in regard to matters treated therein, I respectfully recommend that it be reprinted, together with some additional matter on the subject supplied by various officers in South Carolina, California, and New York.

Very respectfully,

ROY STONE,
Director.

Hon. JAMES WILSON,
Secretary of Agriculture.

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CONVICT LABOR IN ROAD BUILDING.

The following is from Prof. J. A. Holmes, State Geologist for North Carolina and Secretary of the State Road Association :

THE USE OF CONVICTS IN ROAD IMPROVEMENT IN NORTH CAROLINA.

The use of convicts on public roads has been so intimately connected with the growth of the road movement in North Carolina that it deserves some special mention in this connection. Even prior to the first adoption of the Mecklenburg road law, the general assembly of the State had made provision (1867, 1873, 1875, 1877, 1879, and later, in 1889) for the use of convicts in case any county should desire it. But little was done in this direction, however, until the work was begun in Mecklenburg County. From that day down to the present the use of convicts has been an essential feature in Mecklenburg and in the majority of the counties of North Carolina which have joined in the movement. Indeed, this use of convicts has in the majority of cases been the most important factor in deciding these counties to vote a tax for the improvement of the public roads, and the result of the experiment in this State has been altogether favorable to the system, both in point of efficiency and economy and in the health of the convicts.

The returns from eighty counties in the State show that the average cost of convicts when they are confined in the county jail is a little more than 30 cents per day; whereas the average cost per day per convict, including feeding, clothing, medical attention, and guarding, when they are employed on the public roads, is as follows in several of the more prominent counties: Mecklenburg, using 80 convicts, 20 to 22 cents per day; Wake, 57 convicts, 20½ cents per day; Durham, 40 to 50 convicts, 17 to 20 cents per day; Cabarrus, 20 convicts, 42 to 45 cents per day; Buncombe, 65 convicts, 35 cents per day; Alamance, 22 cents per day; Davidson, 20 cents per day; Forsyth, 25 cents per day; and Lenoir, using from 10 to 15 convicts, 15 cents per day—a general average of about 24 cents. In the case last mentioned (Lenoir) only short-term convicts are employed.

In all cases these convicts are carefully described and photographed. They are offered certain inducements in the way of reward or shortening of term if they remain at their posts and faithfully discharge their duties. And with this they are employed on the public roads very much as hired labor would be, under the control of a superintendent or foreman, but without any guard, and they are allowed to remain at their homes from Saturday night to Monday morning. This novel experiment has now been in operation for a year, and not a convict has attempted to escape or declined to labor faithfully, and the result has been a decided improvement in public roads.

An examination of the records of all the counties that are using convict labor on the public roads shows that but few convicts have escaped; that the health of the convicts has been much better when at work on the road than when formerly imprisoned in the jail; that their labor has proved much more efficient than that which

can be hired in the country at ordinary prices of from 50 to 75 cents per day; and that, as these figures show, it not only costs less to use the convicts on the public roads than it does to employ hired labor, but that, furthermore, it costs less to maintain these convicts when at work on public roads than when confined in the county jail.

The following road law of North Carolina was enacted March 7, 1887:

NORTH CAROLINA ROAD LAW.

AN ACT to provide for the working of certain convicts upon the public roads of the State.

The General Assembly of North Carolina do enact:

SECTION 1. That when any county has made provision for the working of convicts upon the public roads, or when any number of counties have jointly made provision for working convicts upon the public roads, it shall be lawful for, and the duty of, the judge holding court in such counties to sentence to imprisonment and hard labor on the public roads for such terms as are now prescribed by law for their imprisonment in the county jails or in the State prison the following classes of convicts: First, all persons convicted of offenses the punishment whereof would otherwise be wholly or in part imprisonment in the common jail; second, all persons convicted of crimes the punishment whereof would otherwise wholly or in part be imprisonment in the penitentiary for a term not exceeding ten years. In such counties there may also be worked on the public roads, in like manner, all persons sentenced to imprisonment in jail by any magistrate, and also insolvents who shall be imprisoned by any court in said counties for nonpayment of costs in criminal causes may be retained in imprisonment and worked on the public roads until they shall have repaid the county to the extent of the half fees charged up against the county for each person taking the insolvent oath. The rate of compensation to be allowed each insolvent for work on the public roads shall be fixed by the county commissioners at a just and fair compensation, regard being had to the amount of work of which each insolvent is capable.

SEC. 2. That the convicts sentenced to hard labor upon the public roads, under provisions of section one of this act, shall be under the control of the county authorities, and said county authorities shall have power to enact all needful rules and regulations for the successful working of all convicts upon said public roads: *Provided*, The county commissioners shall have power to work such convicts on the public roads or canaling the main drains and swamps.

SEC. 3. That nothing contained in this act shall in any way affect, interfere with, or diminish any convicts granted or assigned to any railroad or other work of internal improvement, either by contract executed prior to this act or granted or assigned by any prior act of this general assembly.

SEC. 4. That in all cases where the judge presiding shall be satisfied that there is good reason to fear that an attempt to release or to injure any person convicted of any of the offenses mentioned in section one of this act, class second, it shall be lawful for the judge to sentence such convicts to imprisonment in the penitentiary, as is now provided by law: *Provided*, That no person who has been convicted and sentenced of a charge of murder, manslaughter, rape, attempt to commit rape, or arson shall be assigned under this act.

SEC. 5. That in addition to the convicts mentioned in section one of this act, the board of directors of the penitentiary is authorized and directed to furnish to the authorities of any county within the State convicts not exceeding twenty-five in number during any one year for the purpose of working in the public roads in said county. The said convicts shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board, as in case of hiring convicts to railroad companies. Any county applying for convicts under this act shall erect suitable stockades for their safe-keeping and protection, and shall pay the expense of their transportation from and to the penitentiary.

SEC. 6. That the board of county commissioners of the several counties in the State taking advantage of this act shall levy a special tax annually, as other taxes are levied, for the purpose of paying the expenses of said convicts, building of stockades, etc., and the expenses shall be paid by the counties taking advantage of this act.

SEC. 7. That this act shall be in force from and after the first day of May, one thousand eight hundred and eighty-seven.

The following is an extract from the laws of North Carolina which were ratified March 11, 1889:

EXTRACT FROM LAWS OF NORTH CAROLINA.

SEC. 5. That all persons confined in the county jail, either under a final sentence of the court for crime or imprisonment for nonpayment of fines or costs, or under final judgment in cases of bastardy, or under the vagrant acts, and all persons sentenced to the State prison for a term less than five years, shall be available to the county commissioners for the purpose of working said persons upon the public roads under the provisions of this act; and upon the application of said commissioners to the judge of the superior court, or, if there be a criminal or inferior court for the county, it shall be the duty of the judge or presiding officer of said court to assign such persons convicted in his court to such commissioners for said purposes. And when any county has adopted the provisions of this act, the judge of the superior court or criminal court, or the presiding justice of the inferior court holding any court in any county which has not availed itself of the provisions of this act, may sentence persons convicted of crime as aforesaid to work on the roads in any county adopting the provisions of this act, preference being given to that county the commissioners of which shall first make application for such persons, and such persons may be sent direct to such county.

SEC. 6. That the board of directors of the penitentiary shall furnish the board of commissioners of any county, upon the requisition of said commissioners, not less than twenty nor more than fifty convicts to work upon the public roads of such county. The said convicts shall be at all times under the supervision and control, as to their government and discipline, of the said penitentiary authorities; and any county applying for said convicts under the provisions of this section shall erect suitable stockades for their safe-keeping and protection, and shall pay the expenses of the keep and care and entire expense of said convicts, and also the expense of their transportation from and back to the penitentiary, which said expenses may be paid out of said county road fund or the general county fund, wholly or in part, at the discretion of said board of commissioners: *Provided*, That when any county shall obtain convicts under the provisions of this act, the said convicts shall be allowed to remain in such county as long as the county authorities may want their service: *Provided*, The county shall not make default in the payment of the expenses aforesaid: *And provided further*, That it shall be the duty of the board of directors of the penitentiary to immediately deliver to the board of commissioners of any county that shall apply for convicts under this act such number of convicts within the limits aforesaid as may be asked for, such county, however, first advancing money sufficient to pay the transportation of the convicts and their guard. And any such county shall have preference over any railroad company in the State, any law to the contrary notwithstanding, except where convicts are specially assigned by statute.

The following plan for the use of convict labor was published by Mr. James N. Brewster in Good Roads Magazine:

A PLAN FOR THE USE OF CONVICT LABOR.

One of the great questions of the present day is how to improve our public roads, and in its discussion we are often confronted by another, to wit, What is the best way of utilizing our prison labor so as not to come violently in contact with organized labor in any of the several branches of industrial pursuits?

A plan is here suggested for the solution of this second question and for the material advancement of the work contemplated by the first. Most country roads, and many streets within the corporate bounds of cities and villages, may be largely improved by the use of a material which can be produced by the employment of unskilled manual labor. I refer to the broken or crushed stone commonly employed in the making of telford and macadam roadways. Assuming now that many of our prisons are so situated as to be within accessible distance of good stone quarries (which is, in fact, the case), how can we employ our prison labor in the making and distribution of this road material so as to distribute the benefits equitably among the districts near and remote?

Of course a suitable plant for the economical production of good broken stone and its assortment into different sizes should be erected at the expense of the State, and good railway connection, together with a proper equipment of freight cars, must be provided to handle and deliver the material as fast as needed.

This being done, the question of distribution is next in order. The material having been produced at the expense of the State at large, an expense of which each town, near or remote, shares its burden according to the value of its property, it is manifestly proper that each town should receive the road material produced by prison labor at a cost equal, as nearly as possible, to that paid by other towns for similar benefits; for example, Montauk is 150 miles from Sing Sing Prison, while the town of Sing Sing is, say, 1 mile, and if the cost of transportation by rail should amount to 1 cent per ton per mile and the cost of production of road material at the prison should be found to be \$1 per ton, it would be manifestly unfair to charge the Montauk consumers \$2.50 per ton for material delivered at Sing Sing for less than half that sum. If, however, a uniform price of 75 cents per ton should be added to the cost of production (\$1), thus requiring these two towns each to pay not the actual but the average cost of material as delivered at both places, a principle of equity would be followed in which the benefits and burdens would be justly bestowed and general satisfaction insured. In a similar way intermediate places could be served and the price made the same to all localities. I have used the illustration as an illustration merely. The perfection of the general plan of course involves extended and careful computation, so that an average might be determined which should be observed in fixing a uniform price for this material to consumers in all parts of the State.

But the question may arise, would not the indiscriminate distribution of road material in this manner induce some town officials to take advantage of terms which might be to them peculiarly favorable by "laying in" an undue quantity of this material? The price, of course, would have to be pitched at a reasonably low price in order to secure its sale at all, and the suggestion that this price might be taken advantage of by the remote towns to the detriment of the towns near at hand may seem to be pertinent.

Of course it is always difficult and generally impossible to conduct public business with exact equity to all concerned, but I believe that a very simple provision might wholly insure the fair distribution of road material from prison centers without undue favor to any of the towns benefited by its operation. It is this: Let record be made of the number of miles of public roads in each town (exclusive of streets of incorporated cities and villages), the number of inhabitants, and the value of assessed taxable property. Upon the basis of one or more of these factors, as may seem best, let there be determined the number of tons of road material to which each town shall be entitled; it being, of course, optional with each town whether it shall receive and use any of the material thus set apart. This question being decided, the State authorities (or the authorities of each prison district) should cause a circular letter to be sent to the town clerk of each town, giving public notice that there will be held for a certain fixed period, subject to the order of that town, a certain number of tons of road material, stating the price thereof, and that if no answer or requisition is made for said material or any part of it, then the

material not required shall not be available for the use of that town, but may be distributed by some equitable rule among such towns as have signified their need for greater quantities than those fixed by their regular allotments.

Besides the enormous advantages which the operation of this system would bring to the many towns that are now demanding improved roads, it would offer unquestioned advantages in the settlement of the prison labor question and operate strongly to the industrial benefit of the convicts employed. The variety of workmanship required to produce good road material would call into activity the trained and skilled convicts, and others would be educated to the accomplishment of work of which they have heretofore had little or no knowledge. This work would include the quarrying of stone, the care, management, and erection of machinery, the making and repairing of cars, tools, etc., and the performance of other labor which has no relation to the employment of free citizens. In view of the lively interest now shown in the general movement for good roads it is in no way likely that our prison labor would be able to supply a quantity of broken stone which should exceed the demand, while from a business point of view the profitable employment of this labor by the State would not only tend to largely wipe out the deficiency annually shown in our prison accounts, but a plan would be insured by which every town in line of railroad or canal communication would secure an excellent quality of road material at a less price than it could be obtained in the general market, and without investing in the purchase of expensive stone breakers and similar implements.

Any method that can be put into practice by which our criminals may be usefully employed has a tendency to serve the community at large, and this is especially true if the method has the additional merit of teaching industry, manual skill, and public economy. If it were also provided that each discharged convict should, as a reward for good conduct and industry, receive some substantial compensation to enable him to make a new start in life, there is little doubt that society would be benefited both financially and morally. I am sometimes persuaded that a prison may safely be looked upon in most cases as a kind of hospital or asylum in which many inmates are afflicted by an inherited predisposition to crime and whose prison life is largely the result of that unfortunate circumstance which we sometimes illustrate by saying that the free and rich unfortunate is born with a silver spoon in his mouth and his poor convict brother with a wooden ladle.

The following is the new road law of Delaware (chapter 670, 1893):

THE NEW ROAD LAW OF DELAWARE.

Within two years from and after the passage of this act the levy court of Newcastle County are authorized and directed to secure, by purchase or condemnation, as hereinafter provided, a stone quarry along the route or within convenient reach of a railroad in Newcastle County, the stone in said quarry to be of a character suitable for being broken into macadam. That the said levy court, within the time specified, shall advertise bids and proposals, and grant to the lowest bidder the contract for the building of a suitable structure for confining prisoners, the same not to exceed in cost the sum of \$20,000.

SEC. 2. It shall be and may be lawful for any court in Newcastle County having competent jurisdiction in the matters of obtaining money under false pretences, pointing a deadly weapon, carrying concealed a deadly weapon, gambling, lottery, policy writing, assault and battery, assaults, drunkenness, disorderly conduct, and vagrancy, and of such other crimes, the punishment for which, in the discretion of the court passing sentence, should be hard labor, to sentence any male person or persons convicted as aforesaid to imprisonment in the workhouse of Newcastle County at hard labor in the quarry aforesaid, in addition to the penalties prescribed by law; provided, nevertheless, that such imprisonment at hard labor for drunkenness, disorderly conduct, and vagrancy shall not exceed sixty days.

SEC. 3. It shall be the duty of the superintendent of the workhouse hereinafter provided for to receive all persons who may be sentenced under the provisions of section 2 of this act and keep them at hard labor as herein provided.

SEC. 4. That all beggars and vagabonds who roam about from place to place, without any lawful business or occupation, sleeping in outhouses, barns, market places, sheds, and in the open air, and not giving a good account of themselves, shall be deemed vagrants, and liable to the penalties of this act.

SEC. 5. Eight hours shall constitute a day's work at hard labor, and such hard labor shall be performed between the hours of eight o'clock in the morning and five o'clock in the evening. No person sentenced under this act shall be exempt from said labor except through physical inability properly certified to the superintendent of the workhouse by the jail physician. Should any prisoners prove refractory and stubborn, and refuse to work or perform his or their work in a proper manner, the superintendent of the workhouse shall have power to place such prisoner or prisoners in solitary confinement, there to be kept on bread and water until he or they shall submit to perform his or their tasks and to obey his orders. Every action of the superintendent under this section shall be reported immediately to the jail commissioners, who shall have power to revise the same.

* * * * *

SEC. 12. The commissioners of the jail and workhouse shall have power to make rules for the government of the workhouse and all persons connected therewith, for the cleanliness and health of the prisoners, and for the employment of convicts; they shall have power to order fuel and bedding, to furnish working tools, materials, and fixtures for the workhouse, and, when directed by the levy court, they may purchase such stone-breaking machinery as the said levy court may deem proper and expedient, and to erect such buildings and walls as may be ordered by the levy court.

SEC. 13. Should the levy court fail to secure the quarry aforesaid by purchase, then they shall proceed to secure some suitable quarry by applying to the court of general sessions of the peace and jail delivery of the State of Delaware in and for the Newcastle County for the appointment of five suitable persons, who shall go upon and view the premises selected by the levy court aforesaid and proceed to condemn the same under the law and in the manner provided for the condemnation of land for road or county purposes in chapter 60, Revised Code of the State of Delaware.

SEC. 14. The stone shall be broken so that it can be used for road macadam. The stone so broken shall be divided among the several hundreds of Newcastle County making demand therefor and upon payment by such hundreds of the costs of transportation.

The division shall be made in the following manner, that is to say, should the supply exceed the demands of the several hundreds, the said hundreds shall be entitled to receive any quantity that may be ordered by the road commissioners thereof, or the street and sewer department of the city of Wilmington, and the transportation paid therefor, and if in the judgment of the commissioners of the jail and workhouse the supply of stone is much in excess of the demand, they may, after sufficient advertisement, sell the same or a part thereof at public sale, and turn over the proceeds therefrom to the receiver of taxes and county treasurer of Newcastle County. Should the demand for stone from the several hundreds be greater than the supply, the stone shall then be equally divided between the several hundreds, car load at a time, until the orders of the several hundreds are filled and the (supply of) stone exhausted. The superintendent of the workhouse shall superintend and manage the breaking of stone, the loading of cars, and the filling of orders of the several hundreds, or purchases at public sale, and he shall receive all payment therefor, and settle with the county treasurer on the first Monday of every month; such settlements shall be audited by the comptroller of accounts of Newcastle County.

SEC. 15. The road commissioners of any hundred in Newcastle County, or street and sewer department of the city of Wilmington, making demands for stone and receiving the same, shall select one certain road in their hundred to improve, and they shall complete the improvements thereon before stone is put on any other road. The road shall be graded, macadamized, piked, or otherwise improved by means of stone, for a width of at least 12 feet, whenever such improvement may be required to keep the same constantly in good condition. The improvement of the roads by means of stone, as aforesaid, shall be, as far as practicable, continuous along the entire length of the road.

The following, by Roy Stone, is from New Roads and Road Laws:

WORKING CONVICTS ON THE HIGHWAYS.

There are three sides to the question of working convicts on the highways, or rather two sides and a broad middle ground. The negative side is taken by the Prison Association of New York and by penologists generally, and is defended by the New York society in this language:

"Touching the proposed law, entitled 'An act to provide for the employment of convict labor on the wagon roads of this State,' the following resolution was unanimously adopted by the executive committee of the Prison Association of New York:

"Resolved, That this association most emphatically deems the employment of convicts upon the public roads as demoralizing alike to the public and the convicts themselves, and that the corresponding secretary be instructed to reply to the communication of the New York State Board of Trade an expression of the opinion of this association.

"There were present at the meeting of the executive committee Messrs. Edward B. Merrill, James McKeen, Lispevard Stewart, Felix Adler, John R. Thomas, Benjamin Ogden Chisolm, Frederick G. Lee, and the corresponding secretary.

"There was a full expression of opinion, and previous utterances of the association on the subject were brought before the meeting. The feeling expressed was—

"1. That such employment of convicts would as seriously interfere with labor outside the prisons as any other form of convict labor.

"2. That the State convicts could only be employed on State roads, unless there was a violation of the law which prohibits the employment of convicts under contracts. If the counties employed them they would be obliged to make a contract with the State for them.

"3. That a very large body of keepers would be required to prevent escapes; that escapes would frequently occur, and that there would be a constant necessity for shooting convicts in order to prevent their getting away. There would soon be a death rate among our convict population approaching that known to have existed among the convicts of the South who were employed on public works.

"4. In many cases the prejudice against convict labor would require a military force to protect the convicts who were at work.

"5. (a) It has been found a hardening and demoralizing process to the convicts themselves to employ them in public places; (b) and it has been found by penologists to be a demoralizing process to the public at large to see this daily spectacle of shame.

"These are but a part of the reasons advanced for a protest from the prison association of New York upon the passage of this bill. I am sure that an investigation will show you that this decision is fully in harmony with that of the most advanced penologists, not only of this country, but of the entire world."

This is a view of the question natural to men whose minds are fixed on the need to society of the reformation of criminals. Opposed to it is the opinion of many equally good citizens who seek the public good in other ways, and especially in the direction of improved means of communication, and who see in the multitude sup-

ported in idleness in our jails and prisons as a reward for crime, or employed in prison manufactures to the injury of honest artisans, a labor force sufficient to mend all the roads in the country, if it could be so applied, and which they believe could be so applied without prejudice to free labor, since it would be employed on work not now done at all, and would therefore not compete with any class of workmen. The advocates of convict road work insist further that the outdoor life and exercise afforded by such employment must benefit the health and morals of the prisoners; that the public and visible punishment of criminals would deter others from the commission of crime, and that the labor so supplied would accomplish a great good not attainable by any other means.

They point to the practical working of the system in many places—for instance, at Cranston, R. I., and at Charlotte, N. C. In the latter place convicts have built many miles of beautiful roads running out of the city in all directions, and with such satisfaction to the people that the special law under which it was done is now being extended to other counties.

In other Southern States where the convict-lease system, with all its objectionable features, still prevails, it is clear that a transfer of the prisoners from irresponsible and often inhumane private employ to the care of States or counties would be a saving kindness to them, while it would wipe out a public disgrace and benefit the entire community.

Some of the apprehensions of the New York Prison Association do not appear to have been well founded.

The legislature passed the bill in spite of their protest, and an experiment having been made in the employment of road making of the convicts at Clinton Prison, the results, as reported by Warden Thayer, "are entirely satisfactory." There was no interference with the convicts by citizens except in two cases where intoxicated men offered them liquor; no apparent demoralizing effects on the prisoners or the public; no shooting of convicts, and only three men attempted to escape. The warden, therefore, in his report on the subject, concludes as follows: "That a limited number of convicts can be worked successfully is now an established fact."

But, on the other hand, when we examine the warden's financial statement, we find but little, if any, economy in the use of convicts as compared with the employment of free labor for the same work. The cost of guards and of the search for escaped convicts was equal to 91 cents for each day's labor done, which, considering the comparative efficiency of such labor, is very near its full value, the day's work being only eight hours.

Again, it may be safely predicted that when road making becomes a great business in the country, the introduction of labor-saving appliances will do away with a large share of the hand labor now requisite in laying a stone or gravel road. The material being generally transported by railroad will then be transferred to wagons, without shoveling, and from the wagons mechanically spread in its place, so that almost nothing will be left for convicts to do on the line of the road.

These considerations strengthen the position of those who hold the middle ground of the question, which is that State prisoners should be employed wholly in the preparation of road materials, and in places where they can be guarded and secluded as easily and cheaply as in the prisons.

The plan proposed for this is in substance as follows:

1. To buy some of the territory which contains the best rock within its limits.
2. To make the necessary railway connections, having first secured the permanent agreement of all its leading railroad companies to carry road materials at the cost of hauling, on condition, if required, of the State furnishing to them a certain amount of track ballast free of charge or at cost.
3. Having erected the necessary buildings and walls or stockades, and provided the best machinery for quarrying and crushing rock, to bring all able-bodied State prison convicts and put them at this work.

4. The counties to put their jail prisoners and tramps at the work of grading, draining, and preparing the roads for macadamizing.

5. The State to furnish the broken stone free on board cars, as its contribution to road improvement.

The cost to the State, in addition to the maintenance and guarding of the convicts, would be only that of fuel and oil, explosives, and use of machinery, or, according to the Massachusetts commission report, 6 $\frac{8}{10}$ cents per cubic yard of broken stone, amounting, for the 1,200 yards required to lay a mile of single-track road 9 feet wide and 8 inches deep, to \$81.60.

The remaining cost would be the railroad freight, amounting, for an average distance of 100 miles, to not more than 28 cents per yard, or \$336 per mile; the wagon haul, averaging possibly 2 $\frac{1}{2}$ miles, 30 cents per yard, or \$360 per mile, and the rolling, superintendence, and incidentals (not including engineering, which would be a general county charge), 10 cents per yard; making the total local cost 68 cents per cubic yard, or \$816 per mile.

The wagon haul is estimated on the basis of the country price of \$3 per day for team and driver, and of hauling (over the hard road as it is made), 2 yards at a load, and an average travel for a team of 25 miles a day.

This plan brings the expense of road improvement so low that no elaborate scheme of taxation, bonding, or borrowing would be necessary, and all its benefits could be speedily and universally realized. The best plan for carrying it out would perhaps be to let the "benefit district," as heretofore defined, pay one-third of the cost, by installments, and the township one-third; the county to pay the remainder, and to advance the amount for the district, with a rebate or discount to all individuals who preferred to pay in cash, so that no one would be put in debt against his will.

The cost to the district on this basis of division would be \$272 per mile. Taking the average width benefited, as in Chapter VII, at 2 miles, or 1,280 acres for each mile of road, the total charge per acre would be 21 cents, or 3 cents per acre annually, if spread over seven years.

The following, taken from the Clinton Age, is the proposed law in Iowa:

PROPOSED LAW IN IOWA.

Senator Green has a new plan for bettering the roads of the State which is proposed in a bill introduced by him. He proposes that rock for macadamizing the roads and streets of the State shall be furnished from the State quarry at Anamosa. The stone is to be quarried by the convicts, broken into proper size, and loaded on cars by them, and furnished free of charge to cities and townships whose council or trustees will pay the freight. This, according to the senator's idea, will not only furnish material for the construction of magnificent roads, but will also give ample employment for the State's convict labor.

Not the least important feature of the senator's bill is the taking of convict labor out of competition with paid labor. The Age has often declared it were better that prisoners should be employed to do a kind of work one day and undo it the next, rather than to engage in any business which came in competition with paid labor. We believe that Senator Green's plan would work admirably, and that the railroads would haul the material at or below cost. The railroads of Iowa have already shown a disposition to cooperate with the people in carrying out any practical plan of permanent road building. We hope the Green bill will become a law. We do not know how the prisoners are employed, but we do know that every labor organization in the State ought to immediately pass resolutions favoring the Green bill.

The latest law on the subject of convict labor on highways has been enacted by the California legislature, which recently passed a bill described by the Sacramento Record Union as follows:

THE CALIFORNIA ROAD LAW.

The other bill reported by the joint committee is simpler and involves no cost to the State, but looks to positive money gain for an important fund of the treasury. It calls on the governor and State prison directors and the highway bureau to use the power at Folsom, and convicts in number sufficient for the purpose, say 100, to crush trap rock by machinery on the State grounds, to make road metal, to be furnished to counties and cities and towns at cost of production, with 10 per cent per cubic yard added. This 10 per cent is to pay back to the treasury the necessary \$25,000 to buy and establish the plant, and will, it is estimated, do it in a couple of years, and some of the joint commission think in less time after establishment of the crushers, leaving the State possessor of the plant. After this return of the money only 5 per cent is to be added, and that is to go into the fund for the support of the State prisons. But this work is not to be undertaken until 50,000 cubic yards of road metal are subscribed for, and until agreement is reached with railroad carriers to carry the prepared road metal at such rates as will warrant the enterprise.

The plan of the bill will enable such metal to be used from Fresno on the south to Redding on the north, and at prices from 50 cents to 65 cents a yard, where now it costs from \$2.50 to \$4.50 a yard. The highway bureau is in the meanwhile to exert itself to encourage counties more distant to set up crushing plants, and it is to labor to secure for them the same terms stipulated for in behalf of the State.

Both bills commend themselves and ought to pass. The investment is one of the very best that could be made for the State. It will encourage the employment of free labor, and will, it is believed, give us a system that will be economic, and put a stop to the present one of waste and misdirection. The result will be, as the joint commission points out, enhancement of values, reduction of taxation, invitation to desirable population, reduced cost of movement of products and supplies, and generally the betterment of rural and town conditions.

Warden John Grimes, of the Snake Hill Penitentiary, at Jersey City, N. J., where 200 county convicts are used in quarrying and preparing road material, says:

OPINION OF WARDEN GRIMES, OF NEW JERSEY.

I expect to see every road belonging to the county in good order by September. I have asked the committee to sell the townships broken stone at a small price so they may build good roads, and I think they will consider the matter favorably. I am so interested in the work of having convicts build all the roads of the State that I hope to see it the only industry allowed to convicts of our State and of every other State. It will certainly stop this labor agitation against convict labor for manufacturing purposes. The health and general condition of the prisoners have greatly improved since this work was begun.

James C. Stout, warden of the State prison at Auburn, N. Y., is heartily in favor of employing the convicts in road work. In his testimony before the investigating committee he said:

OPINION OF WARDEN STOUT OF NEW YORK.

I approve of the employment of convicts in road making. The cost to the State will be only \$800 per mile. It will take about fifty years to improve by this means all the highways of the State. I advise the repairing of the old turnpike between Albany and Buffalo. Something should be done to give the prisoners work.

The following is from the Cincinnati Tribune:

LET THE CONVICTS MAKE ROADS.

It was stated in a recent number of Bradstreet's that "convicts from the New York State prison at Dannemora have constructed 3,400 feet of macadam road and 5,950 feet of cobblestone gutter, set 5,000 feet of curbstone, and made 4,050 feet of earth sidewalk since June 13 last." This is an interesting and suggestive fact. The proper employment for convict labor has long been an involved and perplexing question. It is necessary to consider not only the interests and profit of the State, but also the question of the effect of the employment of convict labor upon honest labor. It does not seem right to place products manufactured by convicts in direct competition with honest toil. On the other hand, it would not be just to the community at large to support convicts in idleness or to employ them in unprofitable ways.

It is universally conceded that this country and this State have present and pressing need of better roads and highways. Good roads add enormously to the prosperity of a community or State, and it pays to build them. But, in view of the present financial depression, legislators and taxpayers are loth to engage in new enterprises which will result in large expenditures, and it occurs to us that the able-bodied portion of the 2,000 convicts in the penitentiary at Columbus might be utilized in the work of building roads in the State of Ohio. In this way they would be employed in a task which would not bring them in competition with the honest workingmen, and the accomplishment of which would be a great and lasting benefit to the State.

The following is from the Newark (N. J.) Sunday Call:

STONE FOR COUNTY ROADS.

Since May 1, 1885, Essex County has expended for cracked stone on its avenues an average of \$13,550.35 a year, of which the prisoners in the Caldwell Penitentiary have produced on an average only \$1,728.67 a year, or 12.7 per cent. In a report which he made to the freeholders' committee on roads and assessments last Monday, Freeholder Fillmore Condit, of Verona, urged that it would pay the county to buy a steam driller and stone crusher, to be worked by the convicts. In a long report on the subject he said that Hudson County has a steam driller and crusher, and in one year the convicts there produced stone worth \$16,602. The crusher used at the Snake Hill Penitentiary, with a capacity of 250 yards per day, cost, six years ago, including boiler, engine, and all apparatus, \$6,000, set up in working order and guaranteed for six months.

Mr. Condit recommended that the chairmen of the jail inspection and road committees visit the Snake Hill Penitentiary, and that the county engineer investigate the stone supply at Caldwell.

Mr. Arthur L. Henry, secretary, department of highways, Sacramento, Cal., has this to say of the utilization of convict labor in the production of cheap road material:

ROAD MATERIAL PRODUCED BY CONVICTS IN CALIFORNIA.

SACRAMENTO, CAL., February 5, 1898.

DEAR SIR: There has for some years been an impression in California that the maintenance of convicts in comparative idleness at the expense of the taxpayers of the State was not a proper system to pursue. At the same time, to bring this class of labor in direct competition with free labor is undesirable. As a solution of this problem, it was decided by the legislature of California, in 1895, to employ them in public work which could not be undertaken with free labor, by reason of the excessive

cost. The first attempt to thus utilize convict labor was in the production of cheap road material. This material, when produced, would enable counties to use all of the funds then available for the construction and maintenance of roads; the cheaper the material for such construction the greater the proportion of funds which could be devoted to labor. An appropriation of \$30,000 was therefore made, and a law passed directing the construction of rock-crushing plants upon one or more of the prison grounds. An excellent road material existed inside of the limits of the prison grounds of Folsom, but none was available within some miles of the San Quentin prison. Therefore the erection of the plant at this latter point was inhibited by natural conditions. The State authorities having the matter in charge constructed at Folsom a rock-crushing plant, consisting of one No. 7 rotary McCulley rock breaker and one No. 4 McCulley rock breaker, with elevators, screens, and bunkers complete. The plant was constructed by the Union Iron Works, of San Francisco.

The completeness of this plant can be seen from an inspection of the accompanying illustrations (fig. 1-3).



FIG. 1.—California road improvement. Folsom State Prison. Quarry and crusher.

No. 1 shows the quarry site, with the convicts at work, the tracks leading into the second floor of the shed under which the crushing plant is housed.

No. 2 shows the other end of the shed, the elevator, screen shed, chutes, and bunkers.

No. 3 gives a general view of the bunkers and the mode of loading road metal into cars. On the left of the bunkers are seen loaded cars. The comparative sizes of the flat cars, engine, and men give an idea of the size and capacity of the bunkers, which are calculated to hold 500 tons. The capacity of the plant is about 80 tons per hour, but transportation facilities are not available for this amount. The plant has been successfully operated for more than a year, and in the last year it has turned out 100,000 tons.

The material furnished by this plant has been loaded aboard the cars and sold to cities and counties at 25 cents per ton with a profit to the State. The legislature,

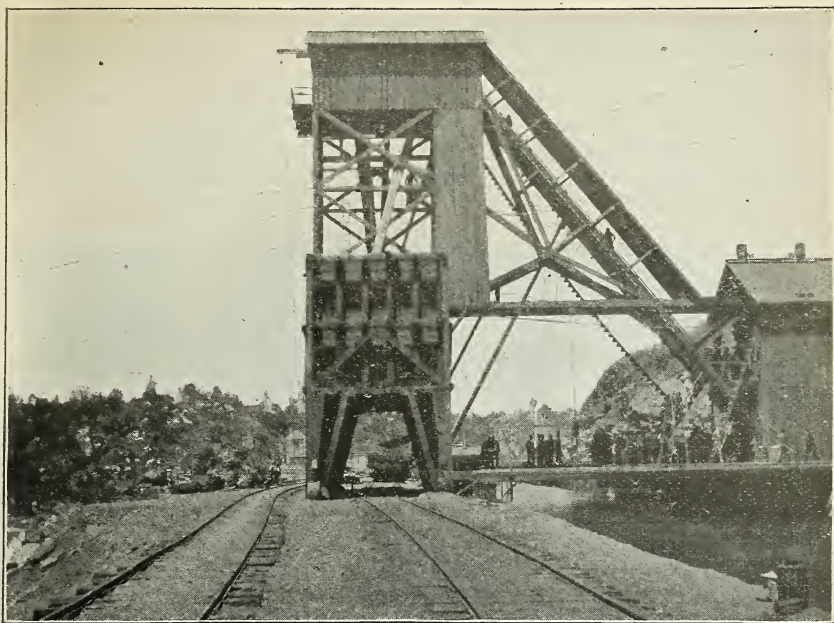


FIG. 2.—California road improvement. Folsom State Prison. Elevator, screens, and storage bunkers.

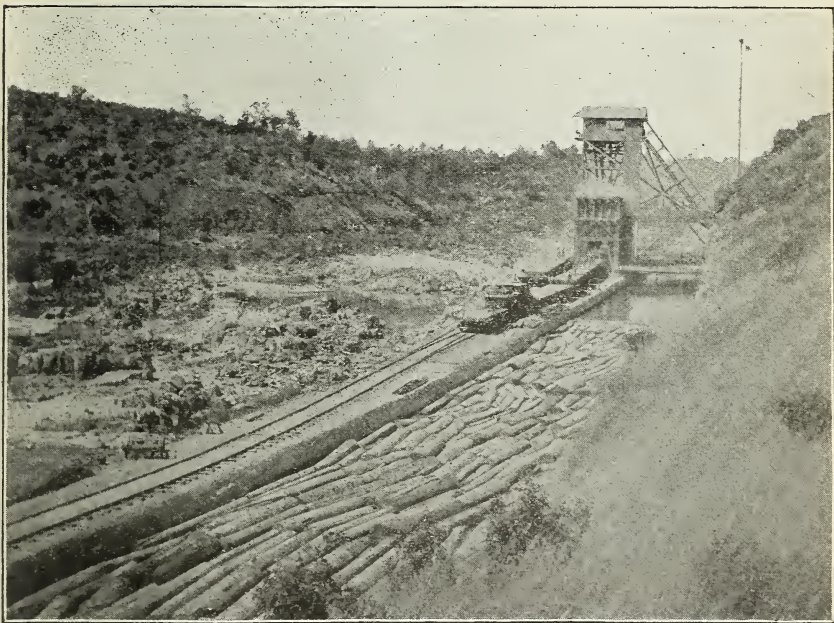


FIG. 3.—California road improvement. Folsom State Prison. Loading cars.

however, at its session of 1897, raised the price to 30 cents per ton. It also passed a law providing that 86,000 tons should be furnished for the construction of a highway from the city of Sacramento to the town of Folsom, about 20 miles from Sacramento. There must also be furnished by the prison authorities paving stone for gutters and dimension stone for two bridges and such culverts as may be found necessary.

The Southern Pacific Railroad Company, recognizing the fact that in the construction of good roads the country tributary to their lines would be rapidly developed, gave low rates upon the transportation. These rates average about three-fourths of a cent per ton per mile, all hauls inside of 30 miles being 25 cents.



FIG. 4.—Road improvement in South Carolina. Convict traveling camp.

The cheap sale price of this material and the low rates of transportation permit of the distribution of this material at Stockton, Marysville, Sacramento, Suisun, and intermediate stations and towns much cheaper than it has heretofore been obtainable. In consequence of this, many miles of macadamized streets have been constructed in the cities, and road building in the counties within the radius of economic supply has been greatly stimulated.

The State officers having the matter in charge know of no more efficient or better-constructed plan for the production of road material.

Mr. W. S. King, supervisor of roads, Darlington County, S. C., gives the following as his experience in working convict labor in that State:

ROAD WORK IN SOUTH CAROLINA.

DARLINGTON, S. C., *February 10, 1898.*

DEAR SIR: In answer to your inquiry of the 26th ultimo, regarding the cost of maintaining and working a chain gang, I beg to say that we organized one in March, 1895, which was almost immediately after the enactment of a law authorizing the employment of convict labor on the public roads. This law was passed having two

ends in view—one of which was to enable us to employ convict labor in such a way as to prevent it being brought into competition with free or honest labor, and the other was the promise it gave of permanently improved public roads. Our first year's operation with a gang averaging eight in number was accomplished at a cost of 30 cents per capita per day. This included diet, clothing, tools, machinery, and guard hire. The work accomplished was satisfactory.

The average size of the chain gang for the second year was eighteen, and was maintained at a cost of 24 cents per capita per day, which amount included all items of expense mentioned above. The trouble experienced in securing stockades for them was considerably greater the second year than during the first, for the increase in numbers had enabled them to do more work, consequently they were forced to move the camp oftener, which, of course, entailed a loss of time and expense. During the third year, which has just closed, we were not able to reduce the cost per capita of maintaining the chain gang, which remained about the same size as during the second year, owing to the fact that we had worked around the places near which there was a house or barn that we could secure as a stockade, and the constant moving from one place to another, and the increased loss of time entailed by camping so great a distance from the place of work.

We are entering upon our fourth year's work with the hope of materially reducing the cost and increasing the efficiency of the system by means of "King's prison van," a photograph of which accompanies this letter (fig. 4). By means of this vehicle we are enabled to camp right at the place of work, thereby saving the time that would otherwise be lost in going to and returning from it; and we also by the use of this prison to dispense with the services of a night guard. We hope with the use of this portable prison to reduce the cost of maintaining the chain gang to about 15 cents per capita per day, and to do at least 12 per cent more work with the same size gang. Our people are very much pleased with the system, having no objection to the labor of convicts being expended on the public roads, but there is serious and strong opposition to its being brought into competition with free or honest labor.

With the convicts above mentioned, one road machine, six mules, and at the cost above mentioned, we have improved about 650 miles of roadbed, so that our farmers are now hauling from one to two bales of cotton more per team than heretofore.

Gen. ROY STONE,

Washington, D. C.

FROM LATEST REPORT OF NEW YORK STATE PRISON COMMISSION.

LABOR AT COUNTY JAILS.

Of the sixty counties in this State, forty-nine do not employ their jail convicts in any form of labor. This is in direct violation of the county law, which required that they should be kept employed. Instead, the inmates smoke, play cards, and sleep. It is not punishment, or so regarded by the prisoners, but rather as a rest or vacation. In idleness the young offenders listen to the adventures of older criminals and receive lessons in criminal ways.

In the counties of Montgomery, Niagara, Orange, St. Lawrence, Saratoga, Steuben, and Warren the convicts are employed in breaking stone, and in Warren and St. Lawrence they are also employed on the highways, and in the latter county convicts are worked 6 or 8 miles from the jail with success. In Cayuga County they are employed ditching on the county farm; in Saratoga, making shirts for the institution; in Oswego, Queens, and Suffolk counties they are employed around the jail, courthouse, and grounds. In the workhouse of New York County the inmates are detailed to labor at the different institutions.

If the short-term convicts in the jails were required to labor every day, there would be more of punishment in a sentence of ten or thirty days, and there would

be fewer convictions when it became known that a sentence to jail meant work instead of play. The boards of supervisors have power to establish plants for the employment of convicts, and it would be a matter of economy and a general benefit to the public if they would do so, and employ all the misdemeanants in their own counties instead of sending them to penitentiaries under contract for their board and care. The penitentiaries only contract to keep those sentenced for more than sixty days, and the tendencies of magistrates in the counties not working their convicts, but having contracts, is to sentence convicts for long periods, so that they may be taken to the penitentiary under the contract when a shorter sentence in jail would be adequate for the offense. The counties now have to pay board for these long terms besides the large fees and expenses allowed to officers for delivering convicts at the penitentiaries, and they get no part of the labor of the convicts. The convicts at the penitentiaries also congregate with the worst criminals of many counties and large cities, and when released they often have more criminal tendencies than when they were received. If these short-term criminals were provided with the work of road building and preparing material for roads in their counties there would be better roads, and the counties could employ all their misdemeanants at home and save the large sum now paid to penitentiaries.

CONVICT LABOR ON HIGHWAYS.

The commission in its last annual report advocated the employment of convict labor in building and improving highways.

It can be stated without fear of contradiction that in no other way or manner can the convicts be employed with so little effect on outside labor as in work on the highways and in no direction can greater improvement be made than in the working of the highways. There are few parts of the world of equal intelligence and density of population where the roads are so poor as those in the State of New York. The present highway system of the State is a failure. The labor expended upon the highways is only a farce. There is but little systematic work expended upon them, and, with the increase of population, instead of growing better they grow worse.

Under these circumstances there can be no reasonable opposition to the employment of convicts thereon, provided their labor is not required in other industries.

In the State of North Carolina convict labor has been employed on the highways with great success under special act of the legislature for each county desiring it, but the system in the different counties is substantially the same.

Mr. McDonald, of the convict and road commission of Mecklenburg County, in that State, has kindly furnished the commission with the following information:

About ten or twelve years ago a gentleman hired the convicts of this county to build a large cotton mill on the South Fork of the Catawba River, 15 miles from this city. He paid the county 33½ cents per diem for their use. He worked them successfully for himself and it was found beneficial for the convicts. When they were returned to the county, the question was then asked, Why not build public roads with them?

At a meeting with the county magistrates the question was brought forward. Not one of the townships would agree to levy a special road tax except Charlotte Township. The first levy was 7 cents on \$100, and to be confined to Charlotte Township alone. The Charlotte Township organized the thirty convicts into a road-building squad by placing over them a competent superintendent and two guards. They commenced to build at the city limits. The price paid for stone was and is now about 40 cents per cubic yard, which was furnished by farmers living along the line of road. The stone was placed at such places as was designated by the county surveyor, and was paid for when used. The stone was broken first with hammer, but that method was soon done away with, for the balance of the county, seeing the splendid benefits from good roads, fell into line and raised the special tax to 18 cents on the hundred dollars. The cry is for more. The road tax is very popular. We now have the most improved machinery for road making: Two 16-ton rollers, two 16-inch breakers, elevators, screens, scrapers, road plows, etc. We have built 65 miles of macadam leading into this city. We have two camps, averaging about forty to the camp. We build the road in sections of 2 miles, placing the camp in the

center of the section, so that convicts will have to walk only 1 mile at the farthest going and coming from work.

We now use a portable frame house for the convicts to sleep in, covered with corrugated iron. There is not a nail in it. It is put together with bolts and every piece is numbered. We use six two-mule teams for each camp, and in certain seasons of the year hire teams from farmers to push the work along. It takes more time to grade than to put down the stone. Our road is now (6 miles from the city) 28 feet wide. We first make a grade, then we dig out a roadbed 12 feet wide, 3 feet from the ditch, giving 13 feet of dirt road on the other side. We place the roller on the roadbed and roll thoroughly; then we place a layer of stone, not over 6 inches in diameter, on the roadbed, which we again roll; then we place broken stone 2 inches in diameter on this, and again roll, and lastly the screenings or dust from the breaker on top, which is rolled, and especially after a rain or when wet. Dry stone don't roll well or pack. The best number of convicts to work together to advantage is about sixty; then you can keep your grading and rock breaker and hauling going; with less, your breaker gets ahead of your grading. You will require a superintendent, three day guards, and one night guard. We use the "trusties," or men whose time is nearly out, and those whose conduct is good, as drivers, engineers, firemen, blacksmiths, etc. I forgot to mention that the entire macadam is 10 inches thick when completed. Everybody in the county is proud of her roads. We have made and may in the future make mistakes in road building, but it is the intention of our people to go on under all administrations until our county is latticed with macadam. This use of our criminal population has solved a great problem in prison life. It is philanthropic in all its bearings to build public roads with them; at the best our jails are unhealthy. Humanity forbids a sedentary life; grave reasons forbid that they come in competition with honest labor. Other counties in the State are adopting our system.

The experiment of employing convict labor on the highways has been made during the past season in the town of Canton, St. Lawrence County, N. Y., under the supervision of the commissioner of highways, and has proved a success. The following report is copied from a Canton newspaper:

With the close of the fiscal year for the town, Highway Commissioner B. H. Rogers has rendered an accounting of his stewardship, and it makes a good showing. The commissioner began work on the roads of the town on May 6 and closed on October 30, making 701 days' work. He has employed in this time the prisoners at the jail to do the work on the highways, and the cost has been exactly 43 cents per day for each man employed. This includes everything—guards, shoes when needed by the men to enable them the better to do their work on the rough stone, and all incidentals. During this time he has fixed the approaches to the bridge at Lays Falls, laid 2,700 feet of road at a cost of 10 cents per running foot on the Potsdam road, 1,300 on the Cook place, 3,200 in the Delance district, half a mile in the Woodbridge district, and the same near Rensselaer Falls.

